

Amendment in response to Office Action
dated April 1, 2009

209546-86427

REMARKS

Claims 20-39 were pending with claims 1-19 being previously cancelled. In this paper, claims 20-21, 23, 25-35 and 37 have been amended, claims 22, 24, 36 and 38-39 have been cancelled and claims 40-42 have been added. Accordingly, upon entry of this paper, claims 20-21, 23, 25-35, 37 and 40-42 will be pending. Favorable reconsideration is respectfully requested in light of the foregoing amendments and the following remarks.

I. Rejections Under 35 U.S. C. 112

The Office rejected claims 32 and 34 under 35 U.S.C. §112, Second Paragraph, as being indefinite. The rejection is respectfully traversed for the foregoing reasons.

Applicant has deleted the limitation "relatively" from claim 32 and the phrase "the manufacture" from claim 34. Claims 32 and 34 are no longer indefinite.

Withdrawal of the rejection to claims 32 and 34 is requested. Allowance of claims 32 and 34 is solicited.

II. Rejections Under 35 U.S.C. § 102

The Office rejected claims 20-21 and 26-32 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,458,361 to Gajewski ("Gajewski") as follows at page 2 of the Action:

Gajewski teach the claimed process as evidenced at figs 1-15.

Applicant notes that the Office has not provided further elaboration to the above remarks to support the rejection. The rejection is respectfully traversed.

Independent claim 20

Applicant has elected to further clarify the subject matter of the claimed invention and hereby submits that amended independent claim 20 is not anticipated by the art of record. Claims 21 and 26-32 depend directly or indirectly from independent claim 20 and include patentably-distinct limitations.

Withdrawal of the rejection to claims 20-21 and 26-32 is hereby requested. Allowance of claims 20-21 and 26-32 is hereby solicited.

Amendment in response to Office Action
dated April 1, 2009

209546-86427

II. Rejections Under 35 USC § 103

Claims 22-25 and 33-39 were rejected under 35 U.S.C. 103(a) as being unpatentable over Gajewski. In view of the following remarks, the rejection is respectfully traversed.

Applicant notes that claims 22, 24, 36 and 38-39 were cancelled; as such, Applicant notes that claims 23, 25, 33-35 and 37 depend directly from non-obvious independent claim 20. Applicant directs the Office's attention to M.P.E.P. §2143.03, 8th Ed., Rev. 6 (September, 2007), which states the following:

2143.03 All Claim Limitations Must Be **>Considered< [R-6]

**** "All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).**

Therefore, claims 23, 25, 33-35 and 37 are also non-obvious and therefore, allowable.

Withdrawal of the rejection to claims 23, 25, 33-35 and 37 is respectfully requested. Allowance of claims 23, 25, 33-35 and 37 is solicited.

III. New Claims

Applicant has added new claims 40-42. Claim 40 depends directly from claim 20. Claim 41 is in independent form. Claim 42 depends from claim 41. Applicant submits that claims 40-42 are allowable over the art of record. Allowance of claims 40-42 is solicited.

Conclusion

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 50-3145, under Order No. 209546-86427 from which the undersigned is authorized to draw.

Amendment in response to Office Action
dated April 1, 2009

209546-86427

Dated: 7/1/2009

Respectfully submitted,

By 

Thomas J. Appledorn

Registration No.: 59,348

HONIGMAN MILLER SCHWARTZ AND
COHN LLP

38500 Woodward Avenue

Suite 100

Bloomfield Hills, Michigan 48304-5048

(248)-566-8522

Attorney for Applicant

OAKLAND.1680571.1